



RECEIVED

AUG 16 2002

8/23/02

TECH CENTER 1600/2900

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Seth A. Darst

Serial No.: 09/802,755

Filed: March 9, 2001

For: *A Crystal of Bacterial Core RNA Polymerase  
with Rifampicin and Methods of Use Thereof*

Examiner: Galitsky, N.

Group Art Unit: 1631

Attorney Docket No.: IPT-012.01

Assistant Commissioner for Patents  
Washington, D.C. 20231COPY OF PAPERS  
ORIGINALLY FILED

## Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

August 7, 2002

Date of Signature and Mail Deposit

By:

Kristen Willett

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This is responsive to the Restriction Requirement mailed on June 7, 2002 in the above-referenced application. A Petition for a One Month Extension of Time and appropriate fee is filed concurrently herewith.

In response to the Restriction Requirement, Applicants hereby provisionally elect with traverse to prosecute the claims of Group VIII, i.e., claims 27-29, drawn to methods for identifying a compound that is predicted to inhibit bacterial growth. The traversal is to the extent that no undue burden would be required to search all groups.

The Examiner further indicates that if Group VIII is elected, Applicants must elect species A, i.e. a bacterial RNA polymerase utilized only, or species B, an eukaryotic RNA polymerase. Applicants elect species A, i.e., a bacterial RNA polymerase, with traverse, to which the claims shall be restricted if no generic claim is held to be allowable. The election is with traverse to the extent that neither of the claims in Group VIII recite "bacterial" or "eukaryotic" and no undue burden would be required to search all groups.

08/14/2002 CCHRU1 00000049 09802755

01 001215

55.00 OF

20/514638.1

Also enclosed herein are corrected drawings of Figs. 2-7.

**Conclusion**

If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

Respectfully submitted,  
FOLEY, HOAG LLP



Isabelle M. Clauss, Ph.D.  
Attorney for Applicants  
Reg. No. 47,326

Patent Group  
FOLEY, HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 832-1000

Date: August 7, 2002